



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: May 5, 2014

Reference Name	UDI Farm (A1400001)		Jurisdiction	City
Applicant	UDI Community Development Corporation			
Request Change in Comprehensive Plan Designation	From:	Office		
	To:	Low Density Residential (4 DU/Ac. or less)		
Site Characteristics	Tier:	Suburban		
	Present Use:	Vacant		
	Present Zoning:	OI (Office and Institutional)		
	Overlays:	N/A		
	Size:	2.6 acres		
Location	4601 Industry Lane, occupying the southern quadrant of Industry Lane and West Cornwallis Road			
PINs	0729-02-97-7530			
Recommendations	Staff	Approval, based on the proposal being justified and meeting the four criteria for plan amendments.		
	Planning Commission	Approval, 12-1, March 11, 2014, based on based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.		

A. Summary

The applicant, UDI Community Development Corp., is proposing changes to the Future Land Use Map and the Zoning Map that would allow the owners to operate an aquaponics farm. The parcel, which contains some floodplain, is presently composed of land designated Recreation and Open Space and Office on the Future Land Use Map and is currently zoned Office and Institutional (OI). The applicant is proposing to amend the 2.615-acre portion of the parcel designated Office on the Future Land Use Map to Low Density Residential (4 DU/Ac. or less). The applicant is also requesting a Zoning Map Change (Z1400001) from OI to Residential Suburban 20 (RS-20), which permits agricultural uses. The site is located within the City of Durham; therefore, annexation and utility extension are not under consideration.

B. Site History

The site has historically been a part of the UDI development, consisting of the present parcel and several other parcels to the west and south. Prior to the current *Durham Comprehensive Plan*, Durham County was divided into planning districts, each with its own small area plan. The *South Durham Plan*, adopted in 1986, recommended that the future land use be designated as Office.

C. Existing Site Characteristics

The site of the proposed plan amendment consists of three portions of a single parcel totaling 2.6 acres. The remainder of the 5.9 acre parcel is designated Recreation/Open Space and will remain under this designation. A stream bisects the parcel, connecting to the Northeast Creek and eventually to Jordan Lake. The parcel is forested and is currently vacant. The site is a corner lot with frontage on Industry Lane and West Cornwallis Road.

D. Applicant's Plan Amendment Justification

The applicant states that the portion of the parcel under consideration ought to be amended from its adopted land use designation (Office) because a large portion of the parcel falls within a floodplain and is therefore not conducive to office uses. The applicant states that changing the use to Low Density Residential would make better use of the site. The proposed designation of Low Density Residential would be consistent with existing Low and Low-Medium Density Residential land use designations across East Cornwallis Road from the site. The applicant expects no substantial adverse impacts to neighboring parcels or in the City or County in general. According to the applicant, the site is of adequate shape and size to accommodate uses allowed under the proposed Low Density Residential designation.

Staff Response: Staff agrees with the applicant that, due to the environmental constraints of the site and its location relative to the stream and floodplain, considering a Low Density Residential designation for the site is justified. While the current designation of Office allows for a transition from Industrial land uses immediately south to Low Density Residential land across the street to the north, the developable area of the parcel is constricted by the 100-year floodplain and required stream buffer. The portion of the parcel designated as Recreation/Open Space could provide a sufficient buffer from the Industrial land to the south for future residential development.

A further examination of the applicant's request that this site be designated as Low Density Residential based on the criteria for plan amendments follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section

3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. Evaluating the proposed plan amendment for consistency with relevant policies is crucial in determining if changing the Future Land Use Map is appropriate. The following policies were deemed relevant to the current plan amendment request.

Table 1: Policies in support of Low-Density Residential Use near Regional Transit Stations
<i>Policy 2.2.2h. Suburban Tier Density Evaluation.</i> Evaluate allowed Suburban Tier residential densities (see Table 2-1, Summary of Residential Density Categories) in consideration of policies to encourage higher-density development in the Downtown and Compact Neighborhood Tiers and Suburban Transit Support Areas.
<i>Policy 2.3.1a. Contiguous Development.</i> Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
<i>Policy 2.3.3a. Watershed Critical Areas and Land Use.</i> Through the Unified Development Ordinance, the City-County Planning Durham Comprehensive Plan Chapter 2, Land Use Element Page 2-16 Department shall discourage industrial land uses and maintain zoning that permits only low-intensity land uses in the Watershed Critical Areas, the most sensitive land near water supply reservoirs.

Amending the Future Land Use Map to Low Density Residential is consistent with the abovementioned policy statements. The Plan seeks to promote lower-density development in suburban areas, and this proposed amendment proposes to decrease the density of this particular site from its current designation. The Plan seeks to avoid leapfrogging patterns of development that would contribute to suburban sprawl, which this proposed amendment also supports by proposing development in an area

where City services are already provided. Finally, the Plan discourages industrial land uses near environmentally sensitive areas such as watersheds, and this amendment proposes to reduce the opportunities for industrial uses on the site, which contains a large streambed that flows into the Northeast Creek which feeds the Jordan Lake water supply system.

Staff Conclusion: This proposed plan amendment is consistent with adopted plans and policies and therefore meets criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

This site is located to the south of Durham city center, 1.5 miles north of Interstate 40 and 0.7 miles west of NC Highway 55. Despite its central location between Downtown Durham and the rapidly developing Interstate 40 corridor, the area has remained in a low-density suburban development pattern with a semirural character. Much of the land around it is designated Low Density Residential.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
Northeast	Single-family residential	Low Density Residential
East	Single-family residential	Commercial
Southwest	Vacant	Industrial
West	Vacant	Recreation/Open Space and Office

Existing Uses: The site of the proposed plan amendment is bordered to the south and southwest by vacant property, and to the east and northeast by single-family homes.

Future Land Use Designations: Land to the northeast of the site is designated Low Density Residential. A small node to the east of the site is designated Commercial. Parcels southwest of the site are designated Industrial, but are separated from the parcel by a floodplain (designated as Recreation/Open Space). The area to the west of the site is a mix of Recreation/Open Space and Office.

Analysis: Despite its location in a rapidly developing area of Durham, with proximity to Interstate 40 and NC Highway 55, the area has retained its rural character. The area is heavily forested, and the only structures visible from West Cornwallis Road are single-family homes. While higher-density uses such as multifamily housing do exist in the broader vicinity, they are obscured from the road by trees. This proposal supports City and County policy that promotes compatible land usage and future development patterns.

Staff Conclusion: The proposed plan amendment is consistent with designated future land uses in the area and therefore meets criterion 3.4.7.B.

3. Adverse Impacts

Infrastructure: A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D.

Analysis: A Traffic Impact Analysis was not required as part of the zoning map change process because the proposed project does not generate the minimum number of trips to require additional analysis. While the traffic impact of individual projects at this scale could be minor, the cumulative effects are unaccounted for due to the lack of a TIA requirement.

West Cornwallis Road is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area. The impacted segment is designed to accommodate 14,200 average daily trips (ADT), and according to the most recent traffic volume count there were 8,100 average daily trips (AADT) (57% of capacity). Development under the proposed Low Density Residential designation would be unlikely to result in more traffic than the existing Office designation. Transit service does not currently exist adjacent to this site.

A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report.

Future Demand for Land Uses: *Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for housing. The Planning Department estimates that by 2035 there will be demand for 189,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 225,000 dwelling units, meaning there is a surplus of land already designated for residential uses. The conversion of this site to Low Density Residential is negligible to the overall supply of housing.

Another matter to consider, however, is the loss of land designated for office uses. The insufficient amount of buildable land in this parcel as a result of the 100-year

floodplain demonstrates that the parcel is not a particularly suitable site for office uses.

Environment: The site is not located in a watershed protection overlay and has no Significant Natural Heritage Area. While a stream and floodplain does exist on the site, there is no reason this parcel could not be developed consistent with UDO standards.

Staff Conclusion: The proposed plan amendment does not create any substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 2.6 acres in total, and is of sufficient shape and size for low-density residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Northeast Creek Streamwatch
- Emorywood Orchard Association
- People's Alliance
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 4

G. Recommendations

Staff recommends approval, based on the proposal being justified and meeting the four criteria for plan amendments. Planning Commission recommended approval, 12-1, at their March 11, 2014 meeting, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.

H. Staff Contact

Karla Rosenberg, Planner, 560-4137 x28259, karla.rosenberg@durhamnc.gov

I. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context
Attachment 3, Aerial Image
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Written Comments
Attachment 6, Resolution